

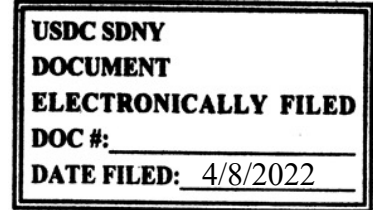


## U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

April 6, 2022

**BY ECF**

The Honorable Katharine H. Parker  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**APPLICATION GRANTED**

*Katharine H. Parker*  
**Hon. Katharine H. Parker, U.S.M.J.**  
4/8/2022

Re: ***Hoechstetter et al. v. Columbia University et al.***, 19 Civ. 02978 (ALC) (KHP)  
***Jane Doe 16 et al. v. Columbia University et al.***, 20 Civ. 01791 (ALC) (KHP)

Dear Judge Parker:

The Government writes, as a non-party in the above-referenced actions, to respectfully request that the deadline for the plaintiffs to produce confidential questionnaires to the Columbia University defendants, which is currently scheduled for today, be adjourned until May 6, 2022, to allow the Government an opportunity to assess whether to seek a stay or other relief with respect to fact discovery in the above-referenced actions, to avoid prejudicing the criminal prosecution of Robert Hadden in *United States v. Hadden*, No. S1 20 Cr. 468 (RMB). Counsel for the plaintiffs consents to this request, and counsel for the Columbia University defendants takes no position.

The criminal prosecution is currently pending before the Honorable Richard M. Berman, with trial scheduled for September 12, 2022. The Government believes that certain parties or witnesses in the above-referenced civil actions may be potential Government trial witnesses in the criminal prosecution. Accordingly, the Government is assessing whether a stay, sequencing, or other modification with respect to some or all of the fact discovery in the civil actions is appropriate to avoid prejudicing the criminal prosecution. The Government has begun preliminary discussions with counsel for the plaintiffs and the defendants in the civil actions and will explore whether an agreement with the parties is possible or whether there are any disputes that would necessitate the Government to seek a stay or other relief from the Court.

The Government understands that the plaintiffs are currently obliged to produce confidential questionnaires to the Columbia University defendants by today, April 6, 2022. While the Government has been aware that a number of such questionnaires have been produced to the defense during the pendency of this case and recognizes the possibility that some of those questionnaires may relate to potential Government witnesses, the Government was informed yesterday afternoon that among the outstanding questionnaires are certain individuals who the Government considers particularly likely to be witnesses at the criminal trial.

Since the confidential questionnaires include factual statements concerning conduct related to the criminal trial, the Government believes that the outstanding questionnaires present issues that are similar to the issues presented by fact discovery. The Government therefore respectfully requests that the date for the plaintiff to produce the outstanding questionnaires be extended to May 6, 2022, which is the date that the parties' initial disclosures under Federal Rule of Civil Procedure 26 are due under the Court's March 24, 2022 scheduling orders. The Government respectfully submits that aligning the deadline for the outstanding questionnaires with the date of initial discovery exchanges will promote judicial economy by allowing the issues concerning the impact of the above-referenced cases on the criminal prosecution to be addressed together. The Government has not previously requested an adjournment of this deadline.<sup>1</sup>

We thank you for your consideration of this request.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

by: /s/

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cc: Counsel of Record (By ECF)

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<sup>1</sup> The Government recognizes that this request for an adjournment is made fewer than 48 hours before the deadline, but respectfully submits that good cause exists under the Court's Individual Practices because the Government, a non-party to these actions, only learned yesterday afternoon that questionnaires concerning certain likely Government trial witnesses were due today.